IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

AMERICAN CRUISE LINES, INC.,)
Plaintiff,)
v.) C.A. No. 13-324 (RGA)
HMS AMERICAN QUEEN STEAMBOAT COMPANY LLC, and AMERICAN QUEEN STEAMBOAT OPERATING COMPANY, LLC, Defendants.)))))
Defendants.)
*****	*****
Jury V	<u>'erdict</u>
l. Has ACL established by a preponderance	EMENT CLAIM #1 of the evidence that HMS's use of the brand AT COMPANY infringes ACL's AMERICAN
Yes	No
If you answered "yes" to Question 1, the	n proceed to Question 2.
	en you have found for HMS on ACL's claim for N CRUISE LINES marks. Proceed to Question 4.
ACL's DA	MAGES CLAIM
2. State the amount of HMS's profits (if any HMS for HMS's infringement of ACL's be	you believe ACL is entitled to recover from rand name.
\$	
Proceed to Question 3.	

3.	Do you find that ACL has established by a preponderance of the evidence that HMS's infringement based on its use of the brand name AMERICAN QUEEN STEAMBOAT COMPANY was willful?
	Yes No
	Proceed to Question 4.
	ACL's INFRINGEMENT CLAIM #2
4.	Has ACL established by a preponderance of the evidence that it owns a valid and legally protectable family of "American" trademarks?
	Yes No
	If you answered "yes" to Question 4, proceed to Question 5.
	If you answered "no" to Question 4, then you have found for HMS on ACL's family trademark infringement claim. Proceed to Question 8.
5.	Has ACL established by a preponderance of the evidence that HMS's fleet of "American" named vessels infringes ACL's family of "American" trademarks?
	Yes No
	If you answered "yes" to Question 5, proceed to Question 6.
	If you answered "no" to Question 5, then you have found for HMS on ACL's family trademark infringement claim. Proceed to Question 8.
	ACL'S DAMAGES CLAIM
6.	State the amount of HMS's profits (if any) you believe ACL is entitled to recover from HMS for HMS's infringement of ACL's "American" family of marks.
	\$
	Proceed to Question 7.

7.	Do you find that ACL has established infringement based on HMS's fleet of			
	Yes		No	
	Proceed to Question 8.			
	HMS's INF	RINGEMEN	T CLAIN	1
8.	Has HMS established by a prepondenames and marks AMERICAN EA AMERICAN HARMONY or AMEMICAN!	erance of the	evidence RICAN F	- that ACL's use of the vesse PRIDE, AMERICAN SONG
	(a) AMERICAN EAGLE	Yes		No
	(b) AMERICAN PRIDE	Yes		No
	(c) AMERICAN SONG	Yes		No
	(d) AMERICAN HARMONY	Yes		No _ 🗸
	(e) AMERICA	Yes		No
	If you answered "yes" to any subpa	ert, proceed to	Question	s 9 and 10.
	If you answered "no" to every subp infringement of its registered AME instruction at the end of this form.			
	ACL's AFFI	RMATIVE D	<u>EFENSE</u>	<u>S</u>
9.	Has ACL established by clear and contrademarks were abandoned?	onvincing ev	idence th	at the AMERICAN QUEEN
	Yes		No	
	Proceed to Question 10.			

	Yes	No	G	
If you ansv	vered "yes" to either Q	uestion 9 or 10, pro	oceed to Questio	n 11.
If you answ	vered "no" to both Que	estions 9 and 10, pr	oceed to Questic	on 13.
	ablished by a prepond table unregistered (co			
	Yes	No	0	
If you answ	vered "yes" to Question wered "no" to Question int of its unregistered (o	n 11, then you have	e found for ACL	-
If you answinfringeme to the "STo 12. Has HMS est	wered "no" to Question int of its unregistered (of OP" instruction at the elaboration and the elaboration of EAGLE, AME or AMERICA infring	n 11, then you have common law) AME and of this form. derance of the evident CRICAN PRIDE, A	e found for ACL RICAN QUEEN dence that ACI AMERICAN SO	trademark. Proceed 2's use of the vesse ONG, AMERICAN
If you answingringeme to the "STO 12. Has HMS est names AMER HARMONY of QUEEN mark	wered "no" to Question int of its unregistered (of OP" instruction at the elaboration and the elaboration of EAGLE, AME or AMERICA infring	n 11, then you have common law) AME and of this form. derance of the evident CRICAN PRIDE, A	e found for ACL RICAN QUEEN dence that ACI AMERICAN So stered (common	trademark. Proceed 2's use of the vesse ONG, AMERICAN
If you answinfringeme to the "STO 12. Has HMS est names AMER HARMONY (QUEEN mark) (a) AM	wered "no" to Question of its unregistered (of OP" instruction at the east of	n 11, then you have common law) AME. and of this form. derance of the evid CRICAN PRIDE, A ses HMS's unregis	e found for ACL RICAN QUEEN dence that ACI AMERICAN So stered (common	trademark. Proceed L's use of the vesse ONG, AMERICAN law) AMERICAN
If you answinfringeme to the "STO 12. Has HMS est names AMER HARMONY (QUEEN mark) (a) AM (b) AM	wered "no" to Question of its unregistered (of OP" instruction at the east of	n 11, then you have common law) AME. and of this form. derance of the evident AME. and the evidence of the ev	e found for ACL RICAN QUEEN dence that ACI AMERICAN So stered (common	trademark. Proceed L's use of the vesse ONG, AMERICAN law) AMERICAN
If you answinfringeme to the "STO 12. Has HMS est names AMER HARMONY (QUEEN mark) (a) AM (b) AM (c) AM	wered "no" to Question of its unregistered (of OP" instruction at the east of a prepond a prepond a prepond the content of the	to 11, then you have common law) AME and of this form. Iderance of the evidence of the eviden	e found for ACL RICAN QUEEN dence that ACI AMERICAN So stered (common	trademark. Proceed L's use of the vesse ONG, AMERICAN LIAW) AMERICAN Co

If you answered "no" to every subpart, then you have found for ACL on HMS's claim for infringement of its unregistered (common law) AMERICAN QUEEN trademark. Proceed to the "STOP" instruction at the end of this form.

HMS's DAMAGES CLAIM

13. If you found that ACL's vessel names and marks AMERICAN EAGLE, AMERICAN
PRIDE, or AMERICA infringe HMS's AMERICAN QUEEN mark in Question 8 or
Question 12, state the amount of ACL's profits (if any) you believe HMS is entitled to
recover. Do not respond for any vessel which you found did not infringe.

(a) AMERICAN EAGLE	\$
(b) AMERICAN PRIDE	\$
(c) AMERICA	\$

Proceed to Question 14.

14. If you found that ACL's vessel names and marks AMERICAN EAGLE, AMERICAN PRIDE, or AMERICA infringe HMS's AMERICAN QUEEN mark in Question 8 or Question 12, do you find that HMS has established by a preponderance of the evidence that ACL's infringement was willful? Do not respond for any vessel which you found did not infringe.

(a) AMERICAN EAGLE	Yes	No
(b) AMERICAN PRIDE	Yes	No
(c) AMERICA	Yes	No

STOP: SIGN THE FORM AND ADVISE THE MARSHAL THAT YOU HAVE REACHED A VERDICT.

